



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Eighth Meeting Day

Wednesday Morning

January 19, 2005

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Father Glenn O'Connor, St. Joseph's Catholic Church, Indianapolis, the guest of Representative Phillip D. Hinkle.

The Pledge of Allegiance to the Flag was led by Representative Hinkle.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon ☐	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning ☐	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy ☐
C. Brown	Neese
T. Brown	Noe ☐
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond ☐
Cochran	Porter
Crawford	Reske
Crooks	Richardson ☐
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders ☐
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman ☐
Foley ☐	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy ☐	Yount
Kersey	Mr. Speaker

Roll Call 24: 90 present; 10 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 24, 2005 at 1:30 p.m.

HINKLE

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1022, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, after "a" insert "**county that contains any part of a**".

Page 1, line 17, after "a" insert "**county that contains any part of a**".

Page 5, line 41, delete "in a zoning district, a zoning classification, or, if the unit does not" and insert "**located within three (3) miles of the perimeter of a military base,**".

Page 5, delete line 42.

Page 6, line 1, delete "located,".

Page 6, line 9, delete "sixty (60)" and insert "**fifteen (15)**".

Page 6, line 12, delete "sixty (60)" and insert "**fifteen (15)**".

Page 6, line 23, delete "in a zoning district, a zoning classification, or, if the unit does not" and insert "**located within three (3) miles of the perimeter of a military base**".

Page 6, delete line 24.

Page 6, line 25, delete "located,".

(Reference is to HB 1022 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1142, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 4.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1240, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1262, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new

paragraph and insert:

"SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.1-2004, SECTION 1, AND AS AMENDED BY P.L.23-2004, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule jointly adopted by the water pollution control board and the budget agency under IC 13-18-13-18.
- (9) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
- (10) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.
- (11) An emergency rule adopted by the Indiana transportation finance authority under IC 8-21-12.
- (12) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.
- (13) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
- (14) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:
 - (A) the variance procedures are included in the rules; and
 - (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
- (15) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
- (16) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
- (17) An emergency rule adopted by the Indiana gaming commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.
- (18) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
- (19) An emergency rule adopted by the department of financial institutions under IC 28-15-11.
- (20) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.
- (21) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.
- (22) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.
- (23) An emergency rule adopted by the Indiana state board of animal health under IC 15-2.1-18-21.
- (24) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.
- (25) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34.
- (26) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33.
- (27) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).
- (28) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) or an emergency rule adopted by

the department of local government finance under IC 6-1.1-4-36(j) or IC 6-1.1-22.5-20.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(b) The following do not apply to rules described in subsection (a):

- (1) Sections 24 through 36 of this chapter.
- (2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

- (1) accept the rule for filing; and
- (2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date and time that the rule is accepted for filing under subsection (e).
- (3) The effective date stated by the adopting agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), *and except as provided in subsection (j)*, a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(14), *(a)(25), (a)(26), or (a)(28)*, the rule may be extended by adopting another rule under this section, but only for one (1) extension period. A rule adopted under subsection (a)(14) may be extended for two (2) extension periods. *Subject to subsection (j), a rule adopted under subsection (a)(25), (a)(26), or (a)(28) may be extended for an unlimited number of extension periods.* Except for a rule adopted under subsection (a)(14), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

- (1) sections 24 through 36 of this chapter; or
- (2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(9), ~~or~~ (a)(13), **or (a)(29)** expires on the earlier of the following dates:

- (1) The expiration date stated by the adopting agency in the rule.
- (2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(25) or (a)(26) expires not later than January 1, 2006."

Page 3, line 28, delete "fund:" and insert **"fund by or on behalf of the debtor:"**

Page 3, strike line 29.

Page 3, line 30, after "(ii)" insert **"(i)"**.

Page 3, line 32, delete "if the retirement plan or fund is" and insert **"which are made to"**.

Page 3, line 33, delete "and contributions are made".

Page 4, between lines 1 and 2, begin a new line block indented and insert:

"(8) Any interest the debtor has in a qualified tuition program, as defined in Section 529(b) of the Internal Revenue Code of 1986, but only to the extent funds in the program are not attributable to:

(A) excess contributions, as described in Section 529(b)(6) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) aggregate contributions in excess of five thousand dollars (\$5,000) made by the debtor for all programs under this subdivision and education savings accounts under subdivision (9) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the aggregate contributions.

(9) Any interest the debtor has in an education savings account, as defined in Section 530(b) of the Internal Revenue Code of 1986, but only to the extent funds in the account are not attributable to:

(A) excess contributions, as described in Section 4973(e) of the Internal Revenue Code of 1986, and earning on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) aggregate contributions in excess of five thousand dollars (\$5,000) made by the debtor for all accounts under this subdivision and qualified tuition programs under subdivision (8) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the excess aggregate contributions."

Renumber all SECTIONS consecutively.

(Reference is to HB 1262 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Joint Resolution 4, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution be amended as follows:

Page 1, line 8, after "game," insert "**which are a valued part of our heritage and shall be forever preserved for the public good,**".

(Reference is to HJR 4 as introduced.)

and when so amended that said resolution do pass.

Committee Vote: yeas 10, nays 0.

FOLEY, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

COMMITTEE REPORT

Mr. Speaker: Your Committee, appointed to transmit to the Senate

a resolution of this House to convene a joint convention of the two houses to receive the Chief Justice's message, hereby reports that it has discharged the duty assigned to it and that the Senate has concurred in the House resolution and will meet the House in joint convention in the Chambers of the House of Representatives at 10:30 a.m. on January 19, 2005, for the purpose of receiving the Chief Justice's message.

ULMER
THOMAS

PIERCE
VAN HAAFTEN

Report adopted.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 3 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1002 — Bosma (Government and Regulatory Reform)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1005 — T. Harris (Commerce, Economic Development and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1006 — Borrer (Commerce, Economic Development and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1007 — Bosma (Government and Regulatory Reform)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1008 — Gutwein, Bischoff, Heim, Borders (Agriculture and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and rural development.

HB 1009 — Behning (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1603 — Dvorak (Utilities and Energy)

A BILL FOR AN ACT concerning utilities and transportation.

HB 1604 — Dvorak (Employment and Labor)

A BILL FOR AN ACT concerning pensions.

HB 1605 — Walorski, Borrer (Employment and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1606 — Noe, Ruppel, T. Adams, Frizzell (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1608 — Noe, Murphy, Woodruff, Grubb (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1609 — Noe, Behning (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1610 — Noe, Murphy (Ways and Means)

A BILL FOR AN ACT concerning taxation.

- HB 1611** — Noe, Koch, Walorski, Grubb (Government and Regulatory Reform)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- HB 1612** — Buck (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- HB 1613** — Buck (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1614** — Buck (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1615** — Buck (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1616** — Buck (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1617** — Walorski, Neese (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1618** — Stilwell (Utilities and Energy)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1619** — Bischoff (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1620** — Bischoff, Saunders (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.
- HB 1621** — Woodruff, Thompson (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1622** — Woodruff, Thompson (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1623** — Becker, C. Brown, Budak (Public Health)
A BILL FOR AN ACT concerning human services.
- HB 1624** — Woodruff (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1625** — Woodruff (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1626** — Stevenson (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1627** — Stevenson (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1628** — Stevenson (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1629** — Stevenson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1630** — Stevenson (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1631** — T. Adams (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.
- HB 1632** — T. Adams (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1633** — T. Adams (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1634** — T. Adams (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1635** — T. Brown (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1636** — Goodin (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1637** — Goodin (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.
- HB 1638** — Goodin (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1639** — Denbo (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1640** — Kromkowski (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1641** — Kromkowski (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1642** — Pierce, Pelath (Utilities and Energy)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- HB 1643** — Ripley (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1644** — Ripley (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1645** — Ripley (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1646** — Ripley (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1647** — Lehe, Ayres (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1648** — Walorski (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1649** — Friend, Porter, Thompson, Bischoff (Agriculture and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

- HB 1650** — Heim, Stutzman (Technology, Research and Development)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- HB 1651** — Richardson, Welch (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1652** — Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1653** — Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1654** — Lehe, Ruppel (Agriculture and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.
- HB 1655** — Lehe, Friend (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1656** — Lehe, Friend (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1657** — Lehe, Koch (Family, Children and Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1658** — Borrer (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1659** — Borrer (Technology, Research and Development)
A BILL FOR AN ACT to amend the Indiana Code concerning consumer protection.
- HB 1660** — Messer (Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.
- HB 1661** — Frizzell, Woodruff (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.
- HB 1662** — Frizzell, Murphy (Public Health)
A BILL FOR AN ACT concerning health.
- HB 1663** — Stutzman, Woodruff, Bright (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- HB 1664** — Stutzman, Ripley (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- HB 1665** — Stutzman, Davis, Walorski (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1666** — Stutzman, Friend (Agriculture and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.
- HB 1667** — Stutzman, T. Harris (Agriculture and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- HB 1668** — Hinkle, Behning (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1669** — Hinkle, Klinker, Ayres (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1670** — Hinkle, Budak, Bosma (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1671** — Hinkle, Klinker, Ayres (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1672** — Torr (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.
- HB 1673** — T. Harris, Murphy (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- HB 1674** — T. Harris (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1676** — T. Harris (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1677** — T. Harris, Welch (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- HB 1678** — Yount, Pierce (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.
- HB 1679** — Hoy (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1680** — Hoy, VanHaaften (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1681** — Dobis (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1682** — Dobis (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1683** — VanHaaften, Hoy (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1684** — VanHaaften (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1685** — VanHaaften, Kersey, Ulmer, Foley (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1686** — VanHaaften (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1687** — Oxley (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

- HB 1688** — Oxley (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1689** — Oxley (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- HB 1691** — Turner, Budak, Welch (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1692** — Koch (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning civil law.
- HB 1693** — Koch (Technology, Research and Development)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation and to make an appropriation.
- HB 1694** — Behning (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1695** — Behning (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1696** — Behning (Family, Children and Human Affairs)
A BILL FOR AN ACT concerning Medicaid.
- HB 1697** — Avery (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1698** — Avery (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- HB 1699** — Avery, Hinkle (Family, Children and Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1700** — Avery (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1701** — Avery, Becker (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1702** — Murphy, Austin, Reske, Messer (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.
- HB 1703** — Murphy (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- HB 1704** — Murphy (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- HB 1705** — Day, Koch (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.
- HB 1706** — Day (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1707** — Day (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1708** — Day (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1709** — Alderman (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1710** — Ruppel, Stutzman (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1711** — Crawford (Public Health)
A BILL FOR AN ACT concerning human services.
- HB 1712** — Reske (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.
- HB 1713** — Reske (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.
- HB 1714** — Moses (Technology, Research and Development)
A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.
- HB 1715** — Borders, Ripley (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1716** — Ripley (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1719** — Buck (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1720** — Buck (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- HB 1721** — Buck (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.
- HB 1722** — Buck (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1723** — Buck (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1724** — Buck, Friend (Agriculture and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and to make an appropriation.
- HB 1725** — Welch, Becker (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1726** — Welch (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1727** — Welch (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1728** — Espich (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1729** — Espich (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- HB 1730** — Espich (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

- HB 1731** — Espich (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1732** — Espich (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1733** — Espich (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1734** — Behning, Hinkle (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- HB 1735** — Ayres, Budak, L. Lawson, Becker (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.
- HB 1736** — Ayres (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance and to make an appropriation.
- HB 1737** — Robertson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- HB 1738** — Robertson (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and civil procedure.
- HB 1739** — Davis (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.
- HB 1740** — Davis (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1741** — Frizzell, Mahern (Public Policy and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- HB 1742** — Budak (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1743** — Budak, Becker, Dickinson, Walorski (Family, Children and Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1744** — Budak, Foley, Becker, L. Lawson (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- HB 1745** — Budak, Becker, T. Brown, C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1746** — Budak, Ayres, Ulmer (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1747** — Budak, Turner, Thompson, Crawford (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1748** — Budak, Ayres, Cheney (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1749** — L. Lawson, Ayres (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1750** — Budak, Welch (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1751** — Thompson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1752** — Thompson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1753** — Thompson (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.
- HB 1754** — Thompson (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1756** — Whetstone, Yount (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1757** — Whetstone (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1758** — Whetstone (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1759** — Pelath, Whetstone (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1760** — Pelath (Insurance)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1761** — Pelath (Public Health)
A BILL FOR AN ACT concerning human services.
- HB 1762** — Pelath (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- HB 1763** — GiaQuinta, Burton (Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- HB 1764** — Hoffman (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1765** — Hoffman (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- HB 1766** — Mays, Stilwell (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1767** — Crooks, Grubb, Pflum, Bischoff (Agriculture and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.
- HB 1768** — Mahern, Hoy, Stilwell (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- HB 1769** — Bauer (Commerce, Economic Development and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

- HB 1770** — Bauer, Porter, Kersey (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.
- HB 1771** — Orentlicher (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1772** — Bauer (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1773** — Bauer, Hoy, Micon (Technology, Research and Development)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- HB 1774** — Bauer, VanHaaften (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- HB 1775** — Buell (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1776** — Buell (Public Safety and Homeland Security)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1777** — Foley, Richardson (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- HB 1778** — Buell, Crawford (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1779** — Buell (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1780** — Friend, Gutwein, Hoffman (Agriculture and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.
- HB 1781** — Friend, Becker, T. Brown (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1782** — E. Harris (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1783** — E. Harris (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- HB 1784** — E. Harris (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- HB 1785** — Aguilera (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1786** — Aguilera (Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1787** — Aguilera (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1788** — Aguilera (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1789** — Aguilera (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1790** — Aguilera (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1791** — Grubb, Alderman, Micon, Borrer (Technology, Research and Development)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- HB 1792** — Grubb, Thompson (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1793** — Pierce, Austin (Technology, Research and Development)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.
- HB 1794** — Behning (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1795** — Borders (Employment and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1796** — Borders (Employment and Labor)
A BILL FOR AN ACT concerning pensions.
- HB 1797** — Pond (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.
- HB 1798** — Pond (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1799** — Pond (Education)
A BILL FOR AN ACT concerning education.
- HB 1800** — Thomas (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1801** — Thomas (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- HB 1802** — Saunders (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1803** — Saunders (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1804** — Saunders (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.
- HB 1805** — Saunders (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1806** — Saunders (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1807** — C. Brown (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1808** — C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1809 — C. Brown, T. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

HB 1810 — C. Brown, T. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1811 — Porter, Stilwell (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1812 — Lehe, Ayres (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1813 — V. Smith (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

HB 1814 — V. Smith (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1815 — V. Smith (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1816 — V. Smith (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1817 — V. Smith, C. Brown (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The House recessed until the fall of the gavel.

RECESS

JOINT CONVENTION

The Speaker introduced the honored guests as follows: Governor Mitchell E. Daniels, Jr.; Lieutenant Governor Rebecca S. Skillman; Senate President Pro Tempore Robert D. Garton; Acting Chief Judge of the Indiana Court of Appeals John Baker; Amy MacDonell, wife of Chief Justice Randall Shepard; Mattie Shepard, daughter of Chief Justice Randall Shepard; Mary Kay Orr, wife of Governor Robert D. Orr; Jan Aikman Dickson, wife of Justice Brent Dickson; Clerk of the Supreme and Appellate Courts David Lewis and his wife Tralicia Lewis; Treasurer of State Tim Berry; Auditor of State Connie Nass; Clyde D. Compton, President of the Indiana State Bar Association; James W. Riley, Jr., President-elect of the Indiana State Bar Association; John F. Kautzman, President-elect of the Indianapolis Bar Association; Payton Wells, Ed Zellers, James H. Young, and James O. McDonald, members of the Indiana Judicial Nominating Commission; Tom Pyrz, Executive Director of the Indiana State Bar Association; Julie Armstrong, Executive Director of the Indianapolis Bar Association; Myra Selby, former Supreme Court Justice; and Richard M. Givan, former Chief Justice of the Indiana Supreme Court.

The Speaker yielded the gavel to Lieutenant Governor Rebecca S. Skillman, President of the Senate, who called the joint session to order and presented the Chief Justice as follows:

"Members of the Joint Assembly: Pursuant to Section 3 of Article 7 of the Constitution of the State of Indiana, this joint session of the two houses of the Indiana General Assembly is now convened for the purpose of hearing a message from the Chief Justice of the Supreme Court of the State of Indiana.

It is my privilege to present to you the distinguished Chief Justice of the Supreme Court, the Honorable Randall T. Shepard."

Chief Justice Shepard was escorted to the rostrum by Representatives Ulmer, Thomas, Pierce, and VanHaaften and Senators Zakas, Kenley, Skinner, and Hume.

Chief Justice Shepard introduced former judges James Payne and Ernest Yelton who recently resigned to accept positions in the governor's administration. The Chief Justice saluted their many years of service to the judicial system.

State of the Judiciary 'Good Enough' Isn't Good Enough

"Over the last year or so, I have been co-editing a book on the history of Indiana law to be published this fall. In the course of that work, I've come to appreciate an observation about our state by a professor at Bloomington named James Madison, who is probably the leading Indiana historian of his generation. Professor Madison says that Indiana is still influenced by the spectacular failure of the biggest venture the state ever launched, the internal improvement plan of 1836, the most famous piece of which was the Wabash-Erie Canal. The resulting financial calamity brought the state government to the brink of bankruptcy, provoked the constitutional convention of 1850, and shaped the 1851 constitution.

Madison says that the lesson Hoosiers of the time drew was that big and bold is dangerous and that small and incremental is safer. Whether this was the right lesson to be learned from this great 19th century financial disaster is open to debate, he says, but "it is the lesson generations of Hoosiers have chosen to learn." Thus, if things are "good enough," we often decide to leave them alone rather than strive for a great leap up. In short, he says, the lesson has been that "good enough" is good enough.

As I report to you today on the state of the third branch, Professor Madison's analysis is echoed in the observation by one of my colleagues that nothing really titanic has happened in the Indiana judiciary since the 1970s. Back then, in one five-year period, the legislature and the voters fundamentally restructured the appellate courts, created consolidated trial courts in the urban areas, and abolished the venerable justices of the peace. Now we have hardly stood still since then, but systemic changes have proven very difficult. But there have been ways in which the Indiana court system hasn't worked all that well, and I've come today to argue that "good enough" isn't good enough, and to lay out what we've been doing to make our part of the government much better than "good enough."

How Do You Find Out What's Going On?

Nearly every opinion poll shows that people find their courts mysterious and complicated and hard to learn about. In the course of resolving people's disputes, we generate tens of millions of documents a year, and until the 1980s, we did this according to methods largely shaped by inertia and passed down from one generation of deputy county clerks to another—in offices that frequently suffer very high turnover rates. This made going from one courthouse to another a little like traveling from Latvia to Estonia. Changing that has been like altering the course of an oceanliner, but at least now every document is called by the same name in every courthouse, every document carries a standardized number, and we have state-wide rules about how long you have to keep that paper and when it's all right to throw it away.

Still, we have only begun to catch up with what a modern economy needs from its judicial system, and we're determined to move faster. Under the energetic leadership of Justice Frank Sullivan and the Supreme Court's Judicial Technology and Automation Committee—we call it JTAC—a project is well underway to make available to every Indiana court a state-of-the-art computer system to keep track of and manage the nearly two million new cases—from murder to child support to domestic violence to business disputes—that people ask us to resolve each year.

When our project is complete, every Indiana court will have a 21st century case management system—with obvious benefits to our constituents who are in court and tangible savings to the government's bottom line. And Indiana courts will be able to share information electronically both with courts in other counties and with state agencies that need and use court information like the Bureau of Motor Vehicles and the State Police—with obvious benefits to public safety. This is the single most ambitious project ever undertaken by Indiana's judiciary, and we are grateful to the many members of the General Assembly of both houses and both parties (in particular

Senators Bray, Clark, and Kenley and Representative Kuzman and former Representatives Gregg and Sturtz) for your support in past sessions that has made it possible.

In the course of this ambitious project, we have had to examine some of the most sensitive issues of the information age, like: "How do you create easily accessed information about divorces or business disputes without handing the identity thieves the tools of their trade?" and "How do you process a domestic battery case without giving the batterer a roadmap?" Justice Brent Dickson led a task force that met every week for a year to craft some of the country's most thoughtful and balanced rules about access and confidentiality. The Supreme Court approved these, and they became effective two weeks ago.

And once there are rules on that topic or any other, how does a citizen find them? For most of Indiana history, we communicated largely by tacking rules up on courthouse bulletin boards, but beginning this year rules adopted for the operation of local courts will be posted on the Internet and follow a uniform format so that citizens and lawyers who travel outside their home counties can have a fighting chance at finding and understanding them.

And we're committed to using the power of electronics to help people understand the court system in a host of other ways. Litigants and reporters can watch webcasts of oral arguments in the appellate courts, teachers can download educational materials, lawyers can learn about court decisions and orders, college students can read Indiana legal history or learn how to get into our program for minority and low-income law students. The use of these resources by citizens jumped 73% last year, to 2.8 million unique visits.

We're creating a virtual revolution at the Indiana Judiciary in what people now call "transparency". The pioneer dreamers of the 1830s would be proud of what's happening.

Fractured Structure

One of the perennial barriers to reform has been the framework of the state's court system, largely unaltered since before the turn of the last century. In effect, it hasn't been a court system but rather 92 court systems or even 150 court systems, and the result is sometimes what you'd get by sending a football team out onto the field with instructions that each of the eleven should choose his own play for the next down.

The framework we inherited from the 19th century is okay, but that's the most you could say for it. That's why we have supported various bills the General Assembly has passed to place the judges in a given courthouse under a single umbrella, taking joint responsibility for the cases people file there. You've now created such arrangements in a majority of the urban counties. That's why we supported the proposal by Governor Frank O'Bannon to change the financial base of the trial court system. It's why I support measures to change the selection of trial judges in Marion County. The existing arrangements on structure, finance, and selection work well enough, but not as well as they should or can.

Problems of structure are the reason why we have to put in so much effort on the problem of uneven caseloads. Let me tell you why that matters to people other than judges. Imagine two women who file for divorce in the same courthouse on the same day, both needing an order for temporary child support. One gets an order quickly because she's in a court that isn't very busy and the other waits for weeks because she's in a court that's overloaded. We now study the workload of Indiana judges every year, and we periodically direct reallocation of cases when we uncover huge disparities. Toward the same end, we deploy one of the most valuable tools we have to rectify these problems—the work of senior judges, and next week we plan to revise the way we use their time to focus on the most overburdened courts.

And while I'm talking about people, I want to urge passage of House Bill 1777, designed to give judges and prosecutors a cost of living adjustment for the first time in eight years. You know that we supported last year's bill to create the Public Officers Compensation Commission, and I believe their recommendations for the three branches represent good policy. It is, of course, up to you how those recommendations are treated.

As for the men and women who serve as judges and prosecutors, House Bill 1777 restores the loss of purchasing power over the years since the legislature last passed a pay bill and not a dollar more than that, to be financed by the users of the courts. I thank Representatives Foley and Richardson for their willingness to carry this legislation, and I thank Governor Daniels for his declaration that this is one of his priorities for the session. For the families of the judges and prosecutors and for the people who rely on them for justice, I ask you to tend to this need.

Costly and Complicated

Despite all the efforts of recent years, many Americans still regard the court system as a place where it's easy to stumble your way in and costly and time-consuming to find your way out.

The burdens of this reality weigh especially hard on children, and we have to change that. It's one of the reasons we focus so strongly on mediation. You gave us legislation last year that will make possible for the first time the widespread use of mediation in cases involving families and children. In the six months since that legislation took effect we have created mediation programs in counties representing forty percent of the state's population. This spring we will commence a vigorous round of training for lawyers and others interested in family mediation, offering it free for people willing to take some family law mediation assignments without pay.

You also made it possible to pursue our relatively inexpensive experiments in Family Courts. These experiments keep families from bouncing around multiple courtrooms, and I think they improve our chances of protecting children who are actually threatened by their living situation. Some of those children are threatened because they bounce around from one placement to another, and we've recently been able to focus some federal money on fighting foster care drift and getting children into permanent homes more quickly.

The number of Indiana lawyers who donate their time helping people of modest means through these problems—we call it "pro bono" service—has reached a new all-time high, and the system that Indiana has adopted has attracted attention all over the country. While the lawyers volunteer their services, it takes money to sustain the recruiting, training, and matching of the lawyers and counties. To keep this effort vibrant and growing, the Supreme Court recently decided to oblige all members of the profession who hold funds in trust to place those funds in interest-bearing accounts benefitting the pro bono system.

Rebuilding the American Jury

Something else that's needed attention for a long time is the way we manage that birthright of all Americans, trial by jury. Most schoolchildren know that when the nobles confronted King John on the field at Runnymede in 1215 that one of the promises Magna Carta contained was the right to a trial by your peers, but these days the legal press is running stories about the disappearance of the American jury trial. We've too long taken it for granted.

We are determined to put a 21st century burnish on this ancient right—to treat people better when they come to the courthouse for jury service, to give them a quality orientation about the task ahead, and hand them better tools for their job. For example, as long as I can remember, every time jurors left the courtroom for lunch or recess the judge would say, "You must not talk about this case among yourselves until the trial is over." That, of course, treated them like children; it hardly reflects how adults make group decisions. The crucial thing for a juror, or a judge, or any other decision maker, is to keep an open mind until you've heard it all. Starting this month that's what we'll tell jurors: "If you want to discuss this among yourselves, that's fine, but don't get yourself locked in to an outcome until you've heard both sides."

We also have to make juries more representative, which is why we support eliminating the many statutory exemptions from jury service that give certain classes of citizens the right not to do what all the rest of us have to do. And it's why we've required using more than voter registration lists in creating pools of potential jurors. We hope this year to be able to provide every county with easy to use, up-to-date lists of names and addresses from sources like the Bureau of Motor Vehicles and the Department of Revenue. And there are two things

the General Assembly could do to help, neither of which will cost anything: give us better access to the existing state-wide voter lists and make it clear that we can summon jurors using whatever mix of lists will produce the widest participation in jury service. I think we could probably do this by court rule, but it would be cleaner if the court rule and the Indiana Code lined up.

And this last change will do something else very important. It's a terrible fact that some people refrain from registering to vote because they know it means they might get called for jury service. Breaking that linkage will be better for the system of trial by jury, but it will also be good for democracy.

Criminal Alternatives Not Good Enough

Something that was just "good enough" for a very long time was the set of arrangements that we used for correction of those convicted of crime. Until the 1980s, the state simply left to happenstance the development of alternatives to prison, and virtually every incentive militated in favor of committing offenders to the Department of Correction, putting more demand on the state's general fund. This hasn't been good fiscal policy, and it certainly wasn't good public safety policy. Most of the alternatives to incarceration have been the product of local effort led largely by judges and prosecutors. More recently these alternatives have been assisted by the Department of Correction, but the growth of these simply isn't fast enough to keep up with rising demand. Please know that we stand prepared to be your partners both to produce better outcomes and to help relieve the enormous pressure the DOC budget represents.

I want to tell you some good news about the effort we have made together to create more credible public defender offices. In 1963, the U.S. Supreme Court required states to provide counsel at public expense, a hundred years after Indiana began doing so. The leading book on that decision was Gideon's Trumpet, by Anthony Lewis of The New York Times. He came to a recent meeting of Chief Justices of state supreme courts to speak about what he called The Promise of Gideon. He said that on the whole the promise has gone unfulfilled and that he saw little reason for general optimism. "Except in Indiana" he said, and proceeded to tell those assembled about what Indiana has done.

Conclusion

It is my aspiration, and the aspiration of my fellow judges, to create a system of justice to lead people all across America to appreciate Indiana for the decent place that it is – and lead our own citizens as they encounter their courts to regard them as places where judges and others do as much as human beings can do to deliver on the promise of substantial justice.

On that point, "good enough" can never be good enough.

And that, ladies and gentlemen, is the state of your judiciary."

The President of the Senate adjourned the joint session.

The House reconvened with the Speaker in the Chair.

OTHER BUSINESS ON THE SPEAKER'S TABLE

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1029, Roll Call 23, on January 18, 2005. In support of this petition, I submit the following reason:

"I was present and in the House Chambers, but I was unable to reach my desk to cast my vote. I intended to vote yea."

KUZMAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the final vote tally for Roll Call 23 to 90 yeas, 3 nays.*]

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Budak, V. Smith, Summers, and Austin be added as coauthors of House Bill 1159.

RUPPEL

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Gutwein be removed as coauthor of House Bill 1248 and Representative Thomas be added as coauthor.

GRUBB

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Whetstone be added as coauthor of House Bill 1432.

J. LUTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Alderman be added as coauthor of House Bill 1434.

HINKLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative J. Lutz be added as coauthor of House Bill 1639.

DENBO

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Woodruff, the House adjourned at 11:25 a.m., this nineteenth day of January, 2005, until Monday, January 24, 2005, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives